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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/767,863	01/30/2004	Patrick R. Lancaster III	2906.0359-00	2966

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EXAMINER

TAWFIK, SAMEH

ART UNIT	PAPER NUMBER
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3721

DATE MAILED: 11/20/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/767,863

Applicant(s)

LANCASTER ET AL.

Examiner

Sameh H. Tawfik

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 September 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 50,53-55 and 119-140 is/are pending in the application.
- 4a) Of the above claim(s) 131-134 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 50,53-55,119-130 and 135-140 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 50, 53-55, 119-128, 129, 130, and 135-140 are rejected under 35 U.S.C. 103(a) as being unpatentable over Thimon (U.S. Patent No. 5,040,359) in view of Casteel et al. (U.S. Patent No. 4,807,427).

Thimon discloses a method for wrapping a load with a film web during a wrapping cycle, comprising; dispensing a film web from a film dispenser (Figs. 1 and 5); providing relative rotation between the load and the dispenser during the wrapping cycle to wrap the film web around the load (Figs. 1-4); and during “a first portion of the wrapping cycle”, driving at least a portion of the film web from a first elevation to a second elevation lower than the first elevation (Figs. 9 and 13; via rods 37 and 38), with at least one of an upstream guide roll and a downstream guide roll (Fig. 5; via rollers 62, 63, 37, and 38); during “a second portion of the wrapping cycle”, moving at least one of the upstream and downstream guide rollers “from a film drive down configuration to a non- drive down configuration” (Figs. 9 and 13).

Thimon does not disclose the step of rolling a portion of the web into a cable to support the load. However, Casteel, discloses a similar method of wrapping a load with the step of rolling a portion of the web into a cable (Figs. 1, 2, and 4; via grooved element 33).

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Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified Thimon's method by having the step of rolling a portion of the web into a cable, as suggested by Casteel, in order to strengthen the edges of the wrapping film to hold tide into the loaded containers (column 1, lines 35-40).

Regarding claims 120 and 130: Thimon discloses that wherein driving at least a portion of the film web from a first elevation to a second elevation lower than the first elevation includes driving at least a portion of the film web to an elevation below a top of the pallet supporting the load (Figs. 3 and 4; via the wrapping web covering below a top portion of pallet 2a).

Regarding claims 121-123 and 127: Thimon does not disclose wherein rolling a portion of the film web into the cable includes selectively engaging an edge portion of the film web with at least one roping element to roll the edge portion of the film web into a rolled cable of film. However, Casteel, discloses the step of rolling a portion of the film web into the cable includes selectively engaging an edge portion of the film web with first and second roping elements to roll the edge portion of the film web into a rolled cable of film (Figs. 1, 2, and 4; via grooved rollers 33).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified Thimon's method by having the step of rolling a portion of the web into a cable by using at least first and second roping elements adjacent to the guide rolls to roll the edge portion of the film web, as suggested by Casteel, in order to strengthen the edges of the wrapping film to hold tide into the loaded containers (column 1, lines 35-40).

Regarding claims 124 and 135: Thimon discloses that wherein moving at least one of the upstream and downstream guide rollers from a film drive down configuration to a non- drive down configuration includes changing an angle at which at least one of the upstream and downstream guide rollers is tilted from a first angle to a second angle, different from the first angle (Figs. 2-4; via pivoting elements 37 and 38).

Regarding claims 125 and 136: Thimon discloses that wherein moving at least one of the upstream and downstream guide rollers from a film drive down configuration to a non- drive down configuration includes disengaging the at least one of the upstream and downstream guide rollers from the film web as it extends in a film path between the dispenser and the load, see for example (Figs. 2-4).

Regarding claims 126 and 137: Thimon discloses that wherein a bottom portion of the load is wrapped during the first portion of the wrapping cycle, see for example (Figs. 1-5).

Regarding claims 128 and 138: Thimon discloses that wherein rolling a portion of the load other than the bottom portion is wrapped during the second portion of the wrapping cycle, see for example (Figs. 1-5).

Regarding claim 53: Thimon nor Casteel disclose the step of coating at least one of the upstream and downstream guide rollers. However, the examiner takes an official notice that such guiding rollers to guide a web is old, well known, and available in the art.

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have coated Thimon's guiding rollers, as a matter of engineering design choice, in order to smooth rolling and conveying the web and to avoid any crumple to the web.

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Regarding claims 139 and 140: Thimon discloses that the upstream guide roller and the downstream guide roller are tilted in opposite directions when in the film drive down configuration, see for example (Figs. 2-4; via 37 and 38 are tilted in opposite directions as they are located opposite to each other).

Response to Arguments

Applicant's arguments filed 09/22/2006 have been fully considered but they are not persuasive.

Applicants argue in page 13 of the filed arguments that Thimon's reference discloses two rods 37 and 38 having an outer surface capable of permitting the sliding of the band of film, the film slides on the outer surfaces of the rods indicates that the rods do not actively engage and drive the film as required by the claims, while rods 37 and 38 are not rollers. The examiner maintains that Thimon's rods 37 and 38 have a small diameter and an axis 46 as disclosed in column 11, lines 36-39 and Fig. 8; which make them be considered as rollers and as these rollers having an axis and being tilted to control the feed/guide the web could be consider as driving portion of the film web.

Applicants argue that the present invention discloses roller 132 grips a portion of film on its outer surface and then rotates, while the portion of film maintains contact with roller 132 during its rotation, roller 132 actively rotates the portion of film from a first elevation to a second lower elevation. The examiner maintains that such arguments were not claimed in the claim language as no limitations for "gripping".

In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the

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teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, both cited references to Thimon and Casteel are related to packaging art and Thimon only missing the step of rolling a portion of the web into a cable to support the load, while, Casteel, discloses a similar method of wrapping a load with the step of rolling a portion of the web into a cable (Figs. 1, 2, and 4; via grooved element 33). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified Thimon's method by having the step of rolling a portion of the web into a cable, as suggested by Casteel, in order to strengthen the edges of the wrapping film to hold tide into the loaded containers (column 1, lines 35-40).

Applicants further argue that claim 53 recites "at least one of the upstream and downstream guide rollers is coated.", while neither Thimon nor Casteel teaches or suggests the claim limitation and the examiner has taken an official notice. Applicants submit that the official notice is improper and request an evidence. The examiner maintains such official notice as set forth, coated rollers are well known and available in the art and as applicants requested an evidence, the examiner draws applicants attention to the U.S. Patent No. 5,240,198; Fig. 3 and column 3, lines 35-43; as it refers to coating rollers "it may be good ides to coat the roller mantle on the outer perimeter with a wear-reducing material,.. This type of coating also has the function of increasing the coefficient of friction between the roller mantle and the paper or other sheet material..".

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

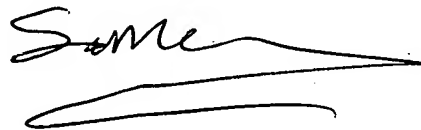
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sameh H. Tawfik whose telephone number is 571-272-4470. The examiner can normally be reached on Tuesday - Friday from 9:00 AM to 7:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rinaldi Rada can be reached on 571-272-4467. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Sameh H. Tawfik
Primary Examiner
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A handwritten signature in black ink, appearing to read 'Sameh', followed by a long horizontal flourish line.

ST.